

# Staff Summary Report

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**To: Mayor & City Council**  
**Through: City Manager**

**Agenda Item Number 29**  
**Meeting Date 5/17/01**

**SUBJECT:**      **Resolution No. 2001.24** – Approval of an Intergovernmental Agreement between the City of Tempe and the Arizona State Parks Department in which the City agrees to become a participant in the Arizona Site Steward Program.

**PREPARED BY:**      Amy A. Douglass, Museum Administrator, (480) 350-5105

**REVIEWED BY:**      Tom Canasi, Community Services Manager, (480) 350-5305  
Jody Ulich, Cultural Services Director, (480) 350-5320  
Mark Richwine, Parks and Recreation Director, (480) 350-5325  
Kent Foree, City Attorney, City Attorney's Office, (480) 350-8230

**BRIEF:**      Request approval of an Intergovernmental Agreement with the Arizona State Parks Department wherein the City agrees to participate in the Arizona Site Steward Program at City parks.

**COMMENTS:**      **COMMUNITY SERVICES ADMIN (0701-01) RESOLUTION NO. 2001.24**  
Resolution authorizing the City of Tempe to enter into an Intergovernmental Agreement with the Arizona State Parks Department wherein the City agrees to participate in the Arizona Site Steward Program at City parks.

**Document Name:** (20010517csgb01) **Supporting Documents:** Yes

**SUMMARY:**      **History and Facts**

The purpose of the intergovernmental agreement is to initiate a program that will assist in the preservation of archaeological sites in City of Tempe parks. The Site Steward Program places trained volunteers in the field to monitor archaeological sites, record incidents of vandalism or theft, and act as a deterrent to these types of activities.

There are two archeological sites in City of Tempe parks; petroglyphs, or rock art, on the south face of Tempe Butte and a Classical Period Hohokam site known as Loma del Rio in Papago Park. Both sites exist on public trails and are interpreted for the public through signage. These sites are an integral part of the parks, are irreplaceable cultural resources, and serve to edify the public about the prehistory of Tempe. Because they are highly visible and accessible they are also in danger of being vandalized or destroyed. Vandals already have damaged several of the petroglyphs at Tempe Butte. Due to the extended hours which these parks are open to the public, it is not possible for law enforcement officers and parks security personnel to effectively monitor the condition of the sites, deter destructive behavior

or document incidents of vandalism or theft. The Arizona Site Steward program is designed specifically to address these needs on public lands.

The Site Steward Program is an organization of volunteers, sponsored by the public land managers of Arizona and Tribal governments whose members are selected, trained and certified by the Arizona Parks Department. It is an award-winning program that has been copied by other states and has proven to be very effective. The Program won the "Making a Difference award from the Bureau of Land Management in Washington, DC in 1996. The main goal of this program is to monitor archaeological sites on public lands and report to the appropriate land managers any incidents of vandalism or destruction of these sites. The ultimate goal is to preserve prehistoric, historic, and paleontological sites.

Other goals of the program are:

- To increase public awareness of the significance and value of cultural resources. The stewards can interact with the public at the sites, and educate them about archaeological sites and how to visit them without causing damage.
- To discourage site vandalism and destruction through education and maintaining a presence at the sites.
- To promote better cooperation among agencies, individuals and organizations interested in the preservation of cultural resources.

There is a State Program Coordinator who works out of the State Historic Preservation Office. The Coordinator recruits and trains the volunteer site stewards. She organizes annual meetings for the site stewards to enhance their skills and knowledge about site monitoring, new archaeological developments, and other aspects of the program. She also publishes a quarterly newsletter that goes out to all the partnering agencies and site stewards statewide. Under the agreement, the City of Tempe must designate a Site Steward Coordinator to supervise site steward activities on lands under its jurisdiction. Amy Douglass will act in this capacity.

The Arizona Site Steward Program is a well-developed, highly effective program for ensuring the preservation of archaeological sites on public lands. It provides a very cost-effective way to get trained personnel in the field to monitor these important prehistoric resources that are an integral part of Tempe's past.

**FISCAL NOTE:**

No additional funding is necessary for the approval of this IGA. If the City decides to continue in the program beyond the first year, there may be a nominal fee to help defray the costs of administering the program. The fee probably would not exceed \$1,000 because of the relatively small number of volunteers required in Tempe (due to the fact that there are only two sites that need to be monitored).

**RECOMMENDATION:**

Approval of Resolution No. 2001.24

**RESOLUTION NO. 2001.24**

**A RESOLUTION OF THE CITY COUNCIL OF TEMPE, ARIZONA  
AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL  
AGREEMENT IN WHICH THE CITY OF TEMPE AGREES TO  
BECOME A PARTICIPANT IN THE ARIZONA SITE STEWARD  
PROGRAM.**

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**WHEREAS**, the archaeological resources of the State of Arizona are deemed a valuable and non-renewable resource of the people of Arizona and the people of the United States; and

**WHEREAS**, many archaeological sites throughout Arizona are currently being subjected to vandalism and other forms of permanent destruction; and

**WHEREAS**, State and Federal laws encourage cooperation among State and Federal agencies, local governmental entities, and private citizens; and

**WHEREAS**, the City of Tempe agrees to become a participant in the Arizona Site Steward Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE ARIZONA**, that it enter into an intergovernmental agreement with the state of Arizona substantially in the form presented to the City Council on this date and authorizing the Mayor to execute the proposed intergovernmental agreement on behalf of the City of Tempe.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA**,  
this      day of                      , 2001.

\_\_\_\_\_  
Mayor Neil G. Giuliano

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



**INTERGOVERNMENTAL AGREEMENT**  
**Between**  
**The Arizona State Parks Board**  
**and**  
**City of Tempe**

ASPB IGA No.: 01-087

RE: Implement Site Steward Program

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Date: 04-02-01

## **I. INTRODUCTION**

This Agreement recognizes interests, concerns, and mutual responsibilities in the implementation of the volunteer Site Steward Program in the State of Arizona. The participants to this agreement are as follows:

1. Arizona State Parks Board, on behalf of the State Historic Preservation Officer (SHPO), hereafter referred to as ASPB, and
2. City of Tempe, hereafter referred to as City.

## **II. PURPOSE**

The archaeological resources of the State of Arizona are deemed a valuable and non-renewable resource of the people of Arizona and the people of the United States of America. Many archaeological sites throughout Arizona are currently being subjected to vandalism and other forms of permanent destruction. This illegal activity continues, in part, due to a lack of understanding by the public of the true value of the resources and a lack of regular surveillance of these locations. State and Federal laws encourage cooperation among State and Federal agencies, local governmental entities, and private citizens. The undersigned parties have determined that a program of regular, volunteer visitation of locations of archaeological resources diminishes the rate of their destruction and leads to an improved attitude among local citizens toward archaeological resources in their region. The undersigned parties also agree that as the Site Steward program evolves, it is appropriate for Stewards to assist in other activities related to the preservation and protection of archaeological resources including, but not limited to, inventory, stabilization and recordation.

## **III. AGREEMENT**

- A. The parties hereby agree to cooperate in implementing a volunteer program to be called the Site Steward Program that will be under the direction of the ASPB, as the agency in charge of coordination and training, and the Arizona Archaeology Advisory Commission. Assumption of this leadership role shall not impose any additional liabilities on the ASPB arising from these duties.
- B. To the extent that funding is available, a full-time Resource Protection Specialist or State Program Coordinator shall be hired by the ASPB, and assisted by appointed volunteer Regional Coordinators.
- C. Local volunteers will act as Arizona Site Stewards or Site Stewards to assist the Regional Coordinators by visiting specific archaeological sites. The Site Stewards will report their observations to designated authorities, but will not act in any law enforcement capacity.
- D. The ASPB will issue a training certificate to Site Stewards who have successfully completed the required training. After this certificate is issued, the City will execute separate Volunteer Agreements with Site Stewards to enable the visitation of archaeological sites and to assist in other activities related to the preservation and protection of archaeological resources including, but not limited to, inventory, stabilization and recordation, on lands under their jurisdiction. After being certified as a Site Stewards and upon accepting a site assignment, the volunteer must sign a separate Volunteer Agreement with each local Land Manager for which they volunteer.



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#### **IV. AUTHORITIES**

**A. Arizona State Parks authorities:**

1. A.R.S. §§ 41-511.04(A)(7) and (A)(8). Authorizes ASPB to administer a state historic preservation program established pursuant to the National Historic Preservation Act of 1966, 16 U.S.C.A. section 470 et seq. A.R.S. section 41-511.05 (2). Authorizes ASPB to enter into such contracts as are reasonably necessary or desirable to perform its duties.
2. A.R.S. § 41-511.02(B); A.R.S. § 41-511.04(D)(4). Authorizes the SHPO to administer the state historic preservation program and advise, assist, and monitor state and federal agencies in carrying out their historic preservation duties.
3. National Historic Preservation Act of 1966, 16 U.S.C. section 470 et seq.
4. The State Historic Preservation Act, A.R.S. § 41-861 et seq. Requires each state agency to assume responsibility for preservation of historic properties owned by it.
5. The Archaeology Advisory Commission Act, A.R.S. § 41-847. Establishes the Archaeology Advisory Commission to aid the State Historic Preservation Officer by providing expert advice in the areas of archaeological education, protection of archaeological sites, and archaeological activities and by developing a volunteer program to prevent destructive activities on archaeological sites.
6. A.R.S. § 11-951 et seq. Authorizes public agencies to enter into Intergovernmental Agreements for the joint exercise of common powers.
7. General Accounting Technical Bulletin No. 96-01; Issued 8/15/96, Non-State employee travel reimbursement.

**B. CITY authorities:**

1. A.R.S. § 11-951 et seq. Authorizes public agencies to enter into Intergovernmental Agreements for the joint exercise of common powers.
2. Charter for the City of Tempe, Section 1.03.
3. Arizona Antiquities Act, A.R.S. § 41-841 et seq.; A.R.S. § 13-3702; A.R.S. § 13-3702.01. Prohibits excavation or defacement of state-owned prehistoric and historic sites and collection of archaeological specimens from the sites without a permit issued by the director of the Arizona State Museum, and duty to report discoveries on lands owned and controlled by state, county, or municipality.
4. A.R.S. § 9-240(B)(12) authorizes a city or town to appoint and remove watchmen and to prescribe their powers and duties.
5. A.R.S. § 9-494 authorizes a city or town to establish and maintain public parks and to acquire, hold and improve real property for that purpose.



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**V. RESPONSIBILITIES**

The parties agree that the duties and responsibilities under this Agreement are as follows:

- A. With the advice of the Arizona Archaeology Advisory Commission and in consultation with all parties to this Agreement, Arizona State Parks shall:
1. Select and train volunteer coordinators.
  2. Formulate a set of procedures for training and administration of the volunteers.
  3. Create and oversee the conduct of a training program.
  4. Oversee public information on a statewide level.
  5. Prepare an annual report on the activities and accomplishments of the Site Steward Program for submission to member parties and the public.
- B. CITY shall:
1. Identify and assign a Site Steward Coordinator (SSC) to supervise volunteer Site Steward activities on lands under its jurisdiction (refer to *Arizona Site Steward Handbook*, Item 16, under Program participants: Their Roles and Responsibilities). The SSC shall be a member of the Volunteer Site Steward Committee (VSSC). The SSC, who works directly with the Regional Coordinator, is responsible for nominating sites to be monitored, developing local operating procedures on scheduling, reporting methods and priorities, and providing support to the local region. The VSSC advises the SHPO, reviews program procedures, standards and overall operations, and makes recommendations for commendations for outstanding performance by the Site Stewards in their Regions.
  2. Identify priority projects for implementation and identify priority sites, which have been listed on the National Register of Historic Places or have been deemed eligible to be listed, on its lands to be monitored, inventoried, stabilized or recorded under the terms of the Site Stewardship Program. Sites to be monitored as identified by Arizona Site Stewards must be listed or have been deemed eligible to be listed on the National Register of Historic Places.
  3. Execute individual or group Volunteer Agreements with volunteer Site Stewards working on lands under its jurisdiction.
  4. Identify law enforcement officers to be contacted and reporting procedures to be followed when vandalism of archaeological resources is identified on its lands.
  5. Provide volunteer insurance to the extent necessary, advisable, and permitted by law.
- C. **Both Parties** shall:
1. At least annually, evaluate the effectiveness of the Site Steward Program, make recommendations, and acknowledge superior performances; meet more often if requested by either the ASPB or any of the participating State Steward Coordinators.



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2. Work together to monitor the activities of the program.

**VI. COOPERATIVE PROCEDURES**

- A. One representative of both parties to this Agreement will continue to serve as a participating member of the VSSC jurisdictions (refer to Arizona Site Steward Handbook, item 9, under: Program Participants: Their Roles and Responsibilities).
- B. Members of the VSSC will meet as necessary to review and discuss proposals and plans.

**VII. DURATION**

This Agreement is entered into and is effective as of the date filed with the Arizona Secretary of State and expires five years from that date. Unless terminated earlier by the parties, this Agreement shall be automatically renewed at expiration for one additional five-year term.

**VIII. FINANCING**

- A. Each party executing a Volunteer Agreement with Site Stewards shall be responsible for payment of all expenses so identified in that Volunteer Agreement, as authorized by law.
- B. Each party assumes the salary and other administrative costs which are attributable to its own employees and volunteers who perform duties under this Agreement.
- C. Nothing herein shall be construed as obligating either party to expend funds in excess of appropriations authorized by law and administratively allocated to this program as set out in this Agreement.

**IX. GENERAL TERMS AND CONDITIONS**

- A. **MODIFICATION AND TERMINATION:** This Agreement may be amended, revised, or terminated in writing at any time by the mutual agreement of the parties. Each party may terminate their participation in this Agreement by providing thirty days written notice to the other party. Revisions or amendments are effective upon filing with the Arizona Secretary of State.
- B. **CONFLICT OF INTEREST:** This Agreement is subject to cancellation under A.R.S. § 38-511.
- C. **RECORDS:** Pursuant to A.R.S. §§ 35-214 and 35-215, all books, accounts, reports, files, and other records relating to this Agreement shall be subject, at all reasonable times, to inspection and audit by all parties to this Agreement for five years after termination of the Agreement.
- D. **PUBLIC RECORD DISCLOSURE:** SHPO reserves the right to decline to release information relating to archeological discoveries or sites pursuant to A.R.S. § 39-128.
- E. **ARBITRATION:** To the extent required pursuant to A.R.S. § 12-1518, and any successor statutes, the parties agree to resolve any dispute arising out of this Agreement by way of arbitration, provided all applicable administrative remedies have been exhausted.



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- F. **EQUAL OPPORTUNITY/NONDISCRIMINATION:** Parties agree to comply with State Executive Order 99-4 and any other federal or state laws relating to non-discrimination including the Americans with Disabilities Act.
- G. **NON-AVAILABILITY OF FUNDS:** This Agreement shall be subject to available funding, and nothing in this Agreement shall bind any party to expenditures in excess of funds authorized for purposes outlined in this Agreement.
- H. **OTHER AGREEMENTS:** This Agreement in no way restricts either party from participating in similar activities with other public or private agencies, organizations, and individuals.
- I. **LIMITATIONS:** Nothing in this IGA shall be construed as limiting or expanding the statutory responsibilities of parties in performing functions beyond those granted to them by law, or as requiring the parties to expend any sum in excess of its appropriations.
- J. **INDEMNIFICATION:** Each party (as "indemnitor") agrees to indemnify, defend and hold harmless the other party (as "indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the indemnitor, its officers, officials, agents, employees, or volunteers.

**X. NOTICES, PAYMENT, REPORTS, CORRESPONDENCE:**

For Arizona State Parks Board:  
Contract Officer  
1300 W. Washington, Room 220  
Phoenix, AZ 85007  
Phone: (602) 542-6937  
Fax: (602) 542-6949

For City of Tempe:  
Community Services Department  
809 E. Southern Avenue  
Tempe, AZ 85282  
Phone: (480) 350-5100  
Fax: (480) 350-5150

**XI. INCORPORATED DOCUMENT(S)**

Tempe City Council approved resolution.





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**DEFINITIONS**

<b>Arizona Archaeology Advisory Commission (AAAC)</b>	The AAAC advises the SHPO on a variety of important archaeological matters.
<b>Arizona State Parks Board (ASPB)</b>	Charged by the legislature to administer the SHPO program through the State Historic Preservation Officer.
<b>Program Coordinator Committee (PCC)</b>	The PCC is a committee of all the Regional Coordinators, charged by the Program Coordinator, that may meet as a whole or by geographic areas.
<b>Region</b>	Identifies a boundary usually within a 50-mile radius from the community where the SS have been trained, certified, and a Regional Coordinator has been identified.
<b>Regional Coordinator (RC):</b>	The RC work with the local land managers to determine site monitoring priorities and frequency, establish a site inventory and a program of to other preservation activities, etc. The RC is a member of the Program Coordinators' Committee.
<b>Arizona Site Steward or Site Steward (SS)</b>	A certified volunteer appointed by the SHPO and the AAAC.
<b>Site Steward Coordinator (SSC)</b>	Designed by the Land Manager or Local Land Manager, as appropriate, to coordinate Site Steward activities on the lands under their jurisdiction.
<b>State Historic Preservation Office (SHPO)</b>	The SHPO is under the direction of the State Historic Preservation Officer who is an employee of ASPB and designed by the Governor.
<b>State Program Coordinator (SPC):</b>	Hired by the State Historic Preservation Officer and works out of the SHPO to coordinate the statewide operations of the Arizona Site Steward Program.
<b>Volunteer Site Steward Committee (VSSC)</b>	Made up of representative of each signatory of the Intergovernmental Agreement and one member of the Archaeology Advisory Commission. The VSSC is the "user group" of the Site Steward Program.



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**RESOLUTION**

See next page.



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**Signature Authority**

- A. This Intergovernmental Agreement is entered into and is effective as of the date filed with the Secretary of State.
- B. By signing below, the signer certifies that the person has the authority to enter into this agreement, has read the foregoing, and agrees to accept the provisions herein.

**RESERVED FOR ARIZONA STATE PARKS:**

**RESERVED FOR CITY OF TEMPE:**

Signature

Date

Kenneth E. Travous, Executive Director

Typed Name and Title

Arizona State Parks Board

Entity Name

1300 W. Washington

Address

Phoenix, AZ 85007

City

State

Zip

Signature

Date

Neil G. Giuliano, Mayor

Typed Name and Title

Tempe City Hall, 31 E. 5<sup>th</sup> Street

Entity Name

Address

Tempe, AZ 85281

**RESERVED FOR THE ATTORNEY GENERAL:**

**RESERVED FOR THE CITY ATTORNEY**

Attorney General No. KR01-0331-LNR, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties to the Agreement represented by the Attorney General.

Dated this 10<sup>th</sup> day of April, 2001

**JANET NAPOLITANO**

The Attorney General

Signature

Arizona State Parks, Assistant Attorney General

Date

4/10/01

This agreement has been reviewed by the undersigned attorney for the city and has been determined to be in proper form and within the powers and authority granted to the city under the laws of the State of Arizona.

Signature

City Attorney

Date

**RESERVED FOR THE SECRETARY OF STATE**

**RESERVED FOR CITY CLERK**

**ATTEST:** \_\_\_\_\_  
City Clerk